AN ORDINANCE
BY COUNCILMEMBER CLAIR MULLER

AN ORDINANCE TO AMEND PART 15 OF THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA TO ALLOW FOR THE CREATION OF CONSERVATION SUBDIVISIONS IN THE CITY OF ATLANTA AND TO PROVIDE STANDARDS FOR THEIR IMPLEMENTATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta continues to be one of the fastest growing cities in both the State of Georgia and the United States; and

WHEREAS, the continuing population growth in Atlanta will result in increasing demands for dwindling Green Space, Open Space and natural resources and might result in the continuing decline of the city's environment; and

WHEREAS, the preservation of Green Space and Open Space is an important step in sustaining the environmental integrity of the City of Atlanta; and

WHEREAS, there is a need for broad-based planning to provide for effective protection and conservation of the city's Green Space and Open Space while continuing to allow appropriate development and growth; and

WHEREAS, Conservation Subdivisions provide an effective tool in protecting Atlanta's natural diversity and resources while reducing conflicts between the protection the city's Green Space and Open Space and the reasonable use of our land resources for economic development; and

WHEREAS, Conservation Subdivisions can provide for the efficient use and protection of our natural and economic resources while promoting greater sensitivity to the importance of preserving our land resource elements; and

WHEREAS, Conservation Subdivisions provide a voluntary and effective planning process that can facilitate early coordination to protect the interests of the city and our residents; and

WHEREAS, this process should encourage the active participation and support of landowners and others in the conservation and stewardship of our land resources within the City of Atlanta.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, as follows:

<u>SECTION 1</u>: That all of Part 15 of the Land Development Code of the Code of Ordinances of the City of Atlanta shall be deleted in its entirety and replaced with the following:

#### Part 15

## LAND SUBDIVISION ORDINANCE\*

## Section 15-01.001. Title.

This part shall be known and may be cited as the "Land Subdivision Ordinance of the City of Atlanta."

# Section 15-02.001. Authority.

This part is enacted pursuant to the City of Atlanta's exclusive planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 3-601 through 3-603, 8-115, and Appendix I, subsection 43, the general police powers, and other authority provided by state and local laws applicable hereto.

# Section 15-03.001. Purpose and intent.

The purpose and intent of the governing authority of the City of Atlanta in enacting this part are as follows:

- (a) To regulate the development of new housing throughout the neighborhoods in the city for persons of all income groups.
- (b) To regulate cost effective housing developments while assuring that minimum standards of public health, safety, and welfare are met.
- (c) To protect and enhance the quality and character of existing neighborhoods while encouraging the development of new subdivisions.
- (d) To promote subdivision layout and housing design so as to promote privacy for residents.
- (e) To provide for the creation and subsequent development of individual building lots in residential zoning districts within the City of Atlanta which are consistent with the requirements of this part; in conformance with the requirements of the Zoning Ordinance, part 16 of this code; in conformance with chapter 38 of this code governing the department of public works; and any other applicable part of this code. To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land
- (f) To provide for the development of one- and two-family housing in which each dwelling unit is arranged in an orderly pattern of development, consistent with the design standards contained in this part, with direct and exclusive access to a public

street so as to assure ease of safe access for the occupants and to assure accessibility in the provision of all public services, including emergency services.

(g) To provide standards for the development of public streets and sidewalks and of other utility systems to adequately serve all dwelling units.

- (h) To provide through the administration of specific standards and criteria that new development or redevelopment within existing neighborhoods is compatible with the character of the existing neighborhood.
- (i) To assure that individual building lots have adequate width and area and an adequate building site, and, where necessary, because of the existence of wetlands or land within a flood hazard area, or, the creation of a corner lot, to require additional lot width and/or area to assure an adequate building site and an orderly arrangement of housing.
- (j) To assure through the administration of specific standards and criteria that any new development which is otherwise permitted within designated landmark, historic, and conservation districts is consistent with the character of such districts pursuant to this part and to the requirements of chapter 20 of part 16 of this code.
- (k) To assure the provision of open space, landscaped areas and natural areas on residential building lots and to encourage the provision of both public and private common open space.
- (1) To minimize disturbance of natural topography, tree cover, and natural drainage ways.
- (m) To assure the design of new streets, sidewalks and driveways in a manner which will assure safe streets, sidewalks and bikeways.
- (n) To promote the public health and safety by restricting development of new building lots within the floodplain as hereinafter defined.
- (o) To promote safe pedestrian and bikeway systems.
- (p) To support and implement applicable planning and developmental elements of the comprehensive development plan.
- (q) To provide residential lot design standards that permits flexibility in order to promote environmentally sensitive and efficient uses of the land
- (r) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- (s) To preserve important historic and archaeological sites.
- (t) To permit clustering of houses and structures on less environmentally sensitive soils, which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (u) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (v) To promote interconnected greenways and corridors throughout the community.
- (w) To promote contiguous greenspace with adjacent jurisdictions.
- (x) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (y) To encourage street designs that reduces traffic speeds and reliance on main
- (z) To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.

(aa) To conserve scenic views by maximizing the number of houses with direct access to open space.

# Section 15-04.001. Scope of regulations.

- (a) This part shall govern the subdivision of land establishing one-family and two-family building lots within the City of Atlanta.
- (b) No permit shall be issued for the development of any one- or two-family building lot until such lot shall have been approved pursuant to the procedures set forth in this part.

# Section 15-05.001. Conformance with applicable parts.

No application for subdivision shall be approved unless each application, including each proposed lot therein, complies with all of the terms of chapters 130, 134, 138 and 154 and part 16 of this Code and with the provisions of Sections 15-06.001 through 15-09.008 Part A and Part B of this Part.

### Section 15-06.001. Definitions.

As used in this part, unless specifically stated otherwise, the following terms mean and include:

- (a) ADT (Average Daily Traffic) means the average number of vehicles per day that pass over a given point.
- (b) Alley means a private street designed to serve only as a secondary means of access to the side or rear of properties whose principal frontage is on a public street.
- (c) Amenity area means an area of land that: (1) is held in common ownership by owners of the applicable subdivision; (2) consists of permanent open space; and (3) is permanently maintained by the collective owners.
- (d) Applicant means a person submitting an application for land subdivision pursuant to this part.
- (e) Application means a formal request for land subdivision made pursuant to this part.
- (f) Arterial street means a multilane street that functions to move traffic from one district of the city to another and which is not designed to serve individual residences.
- (g) Bicycle lane means a lane within a street that is reserved and marked for the exclusive use of bicycles.
- (h) Bicycle path means a pathway, usually separated from the street, designed specifically for bicycling, and upon which motorized traffic is prohibited.

- (i) Bikeway means a bicycle lane or a bicycle path.
- (j) Buildable area means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required by this part or by part 16 of this code.
- (k) Character means a distinctive quality or set of qualities, not including architectural style, of the natural or built environment that can be identified by prevalent objective features such as street design and pattern, lot pattern, tree cover, topographical conditions, setbacks and similar features by which a street, block, or neighborhood may be distinguished from other streets, blocks or neighborhoods.
- (1) Collective detention area means an area of land that is intended to serve as a stormwater collection facility and that meets the definition of amenity area.
- (m) Common open space means an undeveloped land with a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be a part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.
- (n) Conservation easement means the grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- (o) Conservation subdivision means residential developments in which a significant portion of the lot is set aside as undivided, permanently protected open space, while houses are clustered on the remainder of the property or which the lot has features which are determined to be contributable to public interest.
- (p) Cul-de-sac means a local street with one outlet and having a circular area at its other end for the reversal of traffic movement.
- (q) Developable Area means that portion of the buildable area of a lot that does not lie within a floodplain, wetland, area of severe slope, or the required 15-foot setback adjacent to a floodplain set forth in chapter 21 of part 16 of this code.
- (r) Development envelops means areas within which grading, lawns, pavement and buildings will be located.
- (s) Director means the director, bureau of planning.
- (t) Final Plat means the final map of an entire subdivision or the final map of a portion of an entire subdivision that is presented for final approval.

- (u) Floodplain means an area or areas of land presently having natural or manmade contours of elevation at or below the base flood elevation shown on the flood hazard district maps adopted as a part of part 16 of this code and those areas of land which are not so shown in the flood hazard district maps where inundation is likely to occur during a base flood as determined from by engineering studies to determine the probable depth of such floodwaters. See section 16-21.003.
- (v) Historic neighborhood means any neighborhood which is listed on or is eligible for listing on the National Register of Historic Places established by the National Historic Preservation Act of 1966, as amended.
- (w) Homeowners association means a community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.
- (x) Landscaped areas means those portions of building lots on which trees, shrubs and other plant material are located and maintained, primarily as a result of human intervention.
- (y) Lot means a parcel of land, designed to be used for the development of a one- or two-family dwelling, that meets the requirements of this part and part 16 of this code and has been given final approval by the director and has been recorded in the records of the Clerk of the Superior Court of Fulton or DeKalb County, as is appropriate.
- (z) Major collector street means a multilane street that functions to move traffic from residential streets to arterial streets.
- (aa) Natural areas means those portions of building lots which are maintained with their natural topographic features and on which plant material and water exist through natural growth and maturation.
- (bb) Nonaccess Reservation means a parcel of land through which no form of vehicular access is permitted.
- (cc) Open space means land on which no structural elements are present.
- (dd) Orderly pattern of development means a systematic, consistent arrangement of lots and residential structures.
- (ee) Parent lot means the existing lot of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

Section 15-07.001. Applications.

- (a) All applications for the subdivision of land within the City of Atlanta shall be filed with the bureau of planning on forms promulgated by said bureau.
  - (1) The bureau of planning shall take no action regarding any application unless and until said application contains all data and information required by this part.
  - (2) No application shall be deemed to be "filed" unless and until it contains all data and information required by this part, fees have been paid, and is properly signed and authorized.
  - (3) If any application is incomplete, the applicant shall be notified in writing within 10 days of receipt of said incomplete application.
- (b) Before submitting an application for a subdivision, the applicant shall schedule an appointment with the Bureau of Planning staff to discuss the procedure and requirements for approval of a subdivision.
  - (1) The applicant should have available at this appointment a preliminary subdivision concept plan.
  - (2) The Bureau of Planning staff will review the preliminary subdivision concept plan for purposes of recommending subdivision classification- traditional or conservation.
- (c) Proposals classified as a traditional subdivision will require the submission of materials in accordance with Part A of the Subdivision Ordinance. If any application is deemed incomplete, the applicant shall be notified in writing within ten (10) days of receipt of said incomplete application.
- (d) Classification as a conservation subdivision shall be made in accordance with the Conservation Subdivision Trigger Area Guidelines.
  - (1) Proposals for conservation subdivision will require that the applicant participate in a technical conference.
  - (2) The purpose of the preliminary technical conference is to review the proposed development to determine the application of flexible design standards that would promote preservation of natural resources and efficient uses of land.
  - (3) The applicant will be required to submit a series of maps and descriptive information as a part of the technical conference and as described in Section 15-05.001 Part B Application Requirements.
  - (4) The applicant shall be informed during the initial meeting of the materials that must be that must be presented for the preliminary technical conference and the date, time and place for the conference.
- (e) If the applicant does not desire to participate in the technical conference, the Subdivision Review Committee will develop its recommendations based on materials received in the application.

- (1) The recommendations will be forwarded to the Commissioner of Public Works and the Director of the Bureau of Planning for review and action.
- (2) If the applicant joins in the technical conference, opportunities for establishing flexible design standards may be further maximized, changes may be readily made in the original proposal, further conferences may be held and additional material may be requested to guide in determinations.
- (3) In the course of such technical conferences, any recommendations for changes shall be recorded in writing, with reasons therefore, and shall be transmitted to the applicant and the Subdivision Review Committee.

# Section 15-07.002. Application forms and data required.

Applications for the subdivision of land shall conform to the following requirements:

- (a) Each application shall be typewritten and shall contain the signature of the owner or, if more than one, all owners of the property which is the subject of the application, which signature(s) shall authorize the filing of said application.
- (b) Each application shall be accompanied by a proposed subdivision plat which shall conform to all applicable requirements of this part. Said proposed subdivision plat shall conform to the minimum requirements of applicable state law, and be prepared, signed and sealed by a professional land surveyor registered and licensed to practice in the State of Georgia.
- (c) The applicant shall provide a reasonable representation of the proposed subdivision drawn on the most recent City of Atlanta topographic map with existing building footprints at a scale of one (1) inch equals 200 feet. Said drawing shall include street and curb lines and proposed lot lines.
- (d) Applicants requesting approval of a preliminary subdivision plat shall provide all of the data required in sections 15-07.003. and 15-07.008. below.
- (e) Applicants requesting approval of a final subdivision plat shall provide all of the data required in sections 15-07.004 and 15-07.009. below.

# Section 15-07.003. Traditional Subdivision: Preliminary plat data.

Each application for approval of a preliminary subdivision plat and the accompanying construction drawings shall be supported by the following documentation:

- (a) Twelve (12) copies of each preliminary plat shall be submitted and shall be at a scale not smaller than fifty (50) feet to one (1) inch, and sheet size shall not exceed 24 X 36 inches.
- (b) For any proposed new street installations, the following is required:
  - (1) suggested street names;
  - (2) right-of-way and street widths;
  - (3) central angles of proposed street intersections with existing street intersections;

- (4) dimensions of radii of any street curvatures based on centerline stationing;
- (5) dimensions of radii to face of curb and right-of-way for any proposed cul-de-sac; and
- (6) profiles based on proposed centerline stationing, including all vertical curve data and grades; similar data for alleys, if any.
- (c) All proposed lots, with dimensioned lot lines and areas in square feet and acreage (minimum three-place accuracy), lot numbers, and block numbers.
- (d) Sites, if any, to be dedicated or reserved for parks, playgrounds, schools or other public uses, together with the purpose and the conditions or limitations of such dedication, if any.
- (e) Boundary lines from actual field-run survey records and minimum building setback lines (front, side, rear) for all lots.
- (f) Easements, including their location, width, and purpose.
- (g) Existing streets on and abutting the tract, including names, right-of-way width, pavement width and location.
- (h) Provisions for the installation of an overhead street lighting system approved by the bureau of traffic and transportation to be paid for by the developer addressing pole type, pole locations, size, type, and number of lamps.
- (i) Other conditions on the tract that are visually identifiable, or are a matter of public record, or are known to the applicant, including but not limited to the following:
  - (1) landfills;
  - (2) watercourses;
  - (3) utility lines and utility structures including but not limited to the following:
    - a. sanitary and storm sewer;
    - b. water;
    - c. gas;
    - d. power;
    - e. telephone; and
    - f. overhead streetlighting and similar utility structures.
  - (4) foundations or buried structures;
  - (5) borrow pits;
  - (6) abandoned wells;
  - (7) burial pits;
  - (8) leach fields;
  - (9) septic tanks;
  - (10) drain fields;
  - (11) soil contaminated areas and similar features.
- (j) Title under which proposed subdivision is to be recorded, if known, with name, address, and telephone number of owner and designer.

- (k) A vicinity map at a scale of one (1) inch equals 2,000 feet identifying the proposed site and showing the relationship of the proposed subdivision to the platting pattern of the surrounding area.
- (1) Scale, data, north arrow, date of survey, date of plat, date of any revisions to plat, land lot number, district number, and county.
- (m)Present zoning district classification(s).
- (n) The plat shall contain sufficient horizontal control data to determine readily and reproduce on the ground the proposal being defined with distances, bearings, curve data of the overall parcel boundary and the centerline of any proposed street.
  - (1) All work shall be referenced to the Georgia Plane Coordinate System.
    - a. If a control monument point is located within 500 feet of the site, the site shall be tied to that monument with traditional ground survey procedures.
    - b. If greater than 500 feet, Global Positioning Systems (GPS) methodology shall be employed to establish the coordinate relationship.
  - (2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.
  - (3) Curve data shall include, but is not limited to:
    - a. the radius;
    - b. arc length;
    - c. chord length;
    - d. chord bearing;
    - e. and delta angle.
  - (4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.
- (o) Actual field-run topographic survey which produces an existing topographical representation of the area within twenty-five (25) feet of the right-of-way of any proposed street or any proposed earth-disturbing activity in two-vertical-foot contour elevations, with any proposed grading activities also shown with two-foot contour intervals superimposed. Topographic representations shall also include all watercourses, wetlands, and all 100-year floodplains as shown on the applicable maps adopted by the mayor and city council. In addition, plans shall show two-foot contour elevations from city maps for the entire site.
- (p) A general summary of supporting plans, surveys, documents, and engineering calculations with appropriate professional signatures and seals, as follows:
  - (1) Field-run topographic survey of that portion of the site specified in (0) above.
  - (2) A survey of the site depicting horizontal and vertical control data from actual field-run survey signed and sealed by a registered land surveyor licensed to practice in the State of Georgia as referenced in subsection N.
  - (3) Construction plans, signed and sealed by a registered professional engineer licensed to practice in the State of Georgia, consisting of the following:

- a. Plans, profiles, and cross sections of proposed streets, cul-de-sacs, sidewalks and similar paved surfaces with all appropriate details.
- b. Plans, profiles, and details of all proposed sanitary and storm sewers.
- c. Plans and details of any proposed storm water management facilities.
- d. Hydraulics of storm sewers, including capacities of intakes, pipe capacities, gutter spreads and velocities of flows, and capabilities of downstream creeks, conduits, and structures receiving storm runoff from proposed subdivision activities.
- e. Hydrology and hydraulics of stormwater management systems and/or detention facilities including time-stage storage relationships, backwater surface profiles and related calculations.
- f. Determination of all 100-year floodplain elevations for watercourses.
- g. Certification of compliance with all appropriate federal, state, and local wetland identification, protection and regulatory requirements.
- h. Records of easements, covenants and restrictions on the land, whether existing or proposed, and evidence of current ownership based on the results of current deed research.
- i. Compliance and construction plan preparation to address required soil and erosion control provisions as required by chapter 138 of this code.
- j. Bicycle paths and on-street bicycle lanes that hace been designated on the Bicyle Trail Map approved by the governing authority.

# Section 15-07.004. Traditional subdivision; Final plat data.

The final plat shall conform to the preliminary plat as approved. The final plat shall be an ink drawing on mylar stock which shall not exceed 17" by 22" in size. The plat shall be reproducible and shall produce totally legible copies. The plat shall contain all of the following information:

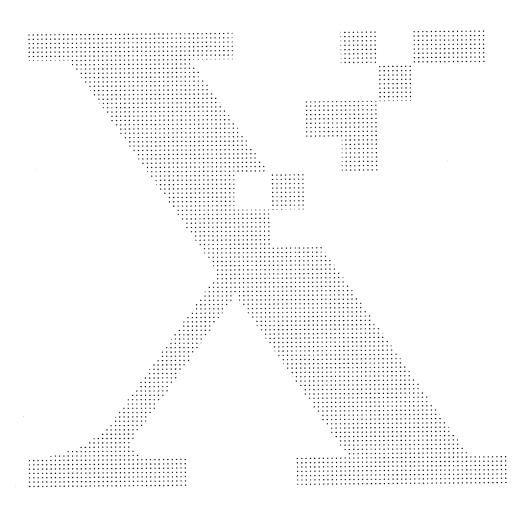
- (a) Sufficient horizontal control data to determine readily and reproduce on the ground the actual constructed subdivision, including the overall total parcel and each subdivided lot, and all public rights-of-way limits, being defined with distances, bearings, and curve data.
  - (1) All work shall be referenced to the Georgia Plan Coordinate System.
  - (2) The information furnished shall be dimensionally accurate to the nearest one-hundredth of a foot with bearing accuracy to the nearest 10 seconds.
  - (3) Curve data shall include, but not be limited to, the radius, arc length, chord length, chord bearing and delta angle.
  - (4) All horizontal control data shown on the plat shall be capable of producing a closure in which the coordinated error does not exceed one (1) foot in 10,000 feet.
  - (5) The areas of all subdivided lots shall be shown in square footage and in acreage to three-place minimum accuracy.

- (6) The documentation of survey accuracy, areas of parcels, and acceptable errors of closure shall be verified with coordinated calculations.
- (7) In addition, tract boundary corners shall be dimensioned to the nearest developed public street right-of-way and/or land lot line or corner.
- (b) The graphic representation of all boundary lines, right-of-way limits of all streets, face of curblines of all streets, minimum building setback lines with dimensions for front, side, and rear lines, property lines of all residential lots and other sites, lot identifying numbers, all sanitary and storm sewers, existing or proposed, along with associated structures, and any other existing structures.
- (c) The name, right-of-way width, and street width from face of curb to face of curb of each street or other right-of-way.
- (d) The location, dimensions, and purposes of all easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purposes and limitations.
- (e) The location of all existing creeks, watercourses, stormwater management facilities, wetland definition and/or protection limits, and any required protective buffer zones or limits with appropriate notations.
- (f) The location of 100-year storm floodplain contour and its respective elevation.
- (g) Notation of any covenant which will be part of the final plat.
- (h) The title, name, location of the subdivision, north arrow, date, scale, land lot number, district number, and county.
- (i) Lots or sites numbered in numerical order and blocks lettered alphabetically.
- (j) Accurate location, material, and description of monuments and markers.
- (k) Acknowledgments. The following acknowledgments and approvals shall appear on the original mylar tracing of the final plat:
  - (1) Surveyor's acknowledgment statement and seal: "It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision.

Ву	Registered Georgia Land
	Surveyor's Number
	Date"

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